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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,989	07/10/2003	Gary L. Rapp	63153-018	4245
29493	7590	06/30/2004	EXAMINER	
HUSCH & EPPENBERGER, LLC			TRAN, THUY V	
190 CARONDELET PLAZA			ART UNIT	PAPER NUMBER
SUITE 600				
ST. LOUIS, MO 63105-3441			2821	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

(P)

<b>Office Action Summary</b>	<b>Applicant No.</b>	<b>Applicant(s)</b>	
	10/617,989	RAPP, GARY L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thuy V. Tran	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 17 and 18 is/are allowed.
- 6) Claim(s) 1,2,10 and 11 is/are rejected.
- 7) Claim(s) 3-9 and 12-16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/23/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

This is a response to the Applicant's filing on July 10<sup>th</sup>, 2003. In virtue of this filing, claims 1-18 are currently presented in the instant application.

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on December 23<sup>rd</sup>, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings Objections***

2. The drawings are objected to because of the following informalities:

Drawing lines in all figures are not uniform;

Textual characters should be put in all the boxes; and

Reference numerals in all figures are not sufficiently clear.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted

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by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Schoch (U.S. Patent No. 4,034,259).

With respect to claim 1, Schoch discloses, in Fig. 2, an automatic backup lighting control circuit comprising (1) a voltage supply (which is connected to terminals [81, 82]), (2) a switching mechanism [53] communicating with the voltage supply, (3) a current sensing device [95] communicating with the voltage supply and the switching mechanism [53], (4) a primary lamp [18] communicating with the current sensing device [95] and the voltage supply, and (5) a secondary lamp [19] communicating with the switching mechanism [53], wherein the current sensing device [95] activates the switching mechanism [53] to direct voltage to the secondary lamp [19] when the current sensing device [95] senses low amperage from its connection with the primary lamp [18].

With respect to claim 2, Schoch discloses an enclosure [11, 27] (see Fig. 1) for housing the primary lamp [18], the secondary lamp [19], the switching mechanism [53], the current sensing device [95], and the voltage supply.

With respect to claim 10, Schoch discloses, in Fig. 2, an automatic backup lighting control circuit and a corresponding method comprising (1) electrically connecting a switching mechanism [53] with a voltage supply (which is connected to terminals [81, 82]), (2) electrically connecting a current sensing device [95] with the voltage supply and the switching mechanism [53], (3) electrically connecting a primary lamp [18] with the current sensing device [95] and the voltage supply, (4) electrically connecting a secondary lamp [19] with the switching mechanism [53], (5) providing voltage to the primary lamp [18], and (6) switching the supply of voltage to the secondary lamp [19] when the current sensing device [95] senses low amperage from its connection with the primary lamp [18].

With respect to claim 11, Schoch discloses a further step of providing an enclosure [11, 27] (see Fig. 1) for housing the primary lamp [18], the secondary lamp [19], the switching mechanism [53], the current sensing device [95], and the voltage supply.

***Allowable Subject Matter***

5. Claims 17-18 are allowed.
6. Claims 3-9 and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest:

- A highway light with an automatic backup lighting system wherein the current sensing device includes a current transformer and an ECS board, in combination with the remaining claimed limitations as called for in claim 3;

- A highway light with an automatic backup lighting system wherein the switching mechanism includes relay having coil and common, normally closed and normally open terminals, in combination with the remaining claimed limitations as called for in claim 4 (claims 5-8 would be allowable since they are dependent on claim 4);
- A highway light with an automatic backup lighting system further including a voltage transformer communicating with the voltage supply, the switching mechanism, and the current sensing device, in combination with the remaining claimed limitations as called for in claim 9;
- A method for providing automatic backup lighting for a highway light wherein the step of electrically connecting the current sensing device with the voltage supply and the switching mechanism includes providing a current transformer and an ECS board as part of the current sensing device and connecting a normally open terminal in the ECS board with the switching mechanism, in combination with the remaining claimed limitations as called for in claim 12;
- A method for providing automatic backup lighting for a highway light wherein the step of electrically connecting the switching mechanism with the voltage supply includes providing a relay as part of the switching mechanism and connecting the voltage supply with a common terminal of the relay, in combination with the remaining claimed limitations as called for in claim 13 (claims 14-15 would be allowable since they are dependent on claim 13);
- A method for providing automatic backup lighting for a highway light further including the step of electrically connecting a voltage transformer to the voltage

supply, the switching mechanism, and the current sensing device, in combination with the remaining claimed limitations as called for in claim 16; and

- A backup lighting circuit for a highway light including (1) a powered relay communicating with the voltage supply, the relay having a coil, and common, normally closed and normally open terminals and wherein the common terminal is connecting to the voltage supply and the common and normally closed terminal are connected with the primary lamp, and (2) a current sensing device having a current transformer and an ECS board and communicating with the voltage supply, the switching mechanism and the primary lamp, the ECS board having a normally open terminal connected with the coil of the relay, in combination with the remaining claimed limitations as called for in independent claim 17 (claim 18 is allowed since it is dependent on claim 17).

*Citation of relevant prior art*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Geanous et al. (U.S. Patent No. 4,767,968) discloses an electrical control system.

Prior art Murata et al. (U.S. Patent No. 4,227,119) discloses a lighting device.

*Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thuy V. Tran  
Examiner  
Art Unit 2821

T.T.  
06/28/04

